

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Jeffrey Degree,)	
)	
Plaintiff,)	
)	Civil Action No. 7:21-cv-3716-BHH
v.)	
)	
City of Blacksburg Police Departments)	<u>ORDER</u>
Municipalities Gaffney Corporation,)	
Sergeant Meredith, Magistrate Judge)	
John Queen,)	
)	
Defendants.)	
_____)	

This matter is before the Court upon Plaintiff Jeffrey Degree's ("Plaintiff") pro se complaint filed pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2)(d) (D.S.C.), the matter was referred to a United States Magistrate Judge for preliminary determinations.

On December 27, 2021, Magistrate Judge Jacquelyn D. Austin issued a report and recommendation ("Report") outlining the issues and recommending that the Court deny Plaintiff's motion to proceed in forma pauperis and give Plaintiff 21 days from the date of this ruling to pay the filing fee. Attached to the Magistrate Judge's Report was a notice advising Plaintiff of the right to file written objections to the Report within fourteen days of being served with a copy.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination only of those portions of the Report to

which specific objections are made, and the Court may accept, reject, or modify, in whole or in part, the recommendation of the Magistrate Judge, or recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of specific objections, the Court reviews the matter only for clear error. See *Diamond v. Colonial Life & Accident Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (stating that “in the absence of a timely filed objection, a district court need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.’”) (quoting Fed. R. Civ. P. 72 advisory committee’s note).

To date, no objections have been filed, and the time for filing objections has expired. Because no objections have been filed, the Court has reviewed the record, the applicable law, and the findings and recommendations of the Magistrate Judge for clear error. After review, the Court finds no clear error and agrees with the Magistrate Judge’s analysis of the issues. Accordingly, the Court adopts the Magistrate Judge’s Report (ECF No. 16); the Court denies Plaintiff’s motion to proceed in forma pauperis (ECF No. 2, 13); and the Court grants Plaintiff 21 days from the date this order is filed to pay the filing fee of \$402, and the Clerk of Court shall withhold entry of judgment until such time for payment expires.

IT IS SO ORDERED.

/s/Bruce H. Hendricks
United States District Judge

January 24, 2022
Charleston, South Carolina